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HOUSE BILL 346

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Bill B. O'Neill

AN ACT

RELATING TO DRIVER'S LICENSES; REQUIRING ADDITIONAL IDENTIFICATION AND PROOF OF RESIDENCY FOR A FOREIGN NATIONAL TO OBTAIN A DRIVER'S LICENSE; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 66-5-9 NMSA 1978 (being Laws 1978, Chapter 35, Section 231, as amended) is amended to read:

"66-5-9. APPLICATION FOR LICENSE, TEMPORARY LICENSE, PROVISIONAL LICENSE OR INSTRUCTION PERMIT.--

A. An application for an instruction permit, provisional license or driver's license shall be made upon a form furnished by the department. An application shall be accompanied by the proper fee. For permits, provisional licenses or driver's licenses other than those issued pursuant to the New Mexico Commercial Driver's License Act, submission

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1 of a complete application with payment of the fee entitles the
2 applicant to not more than three attempts to pass the
3 examination within a period of six months from the date of
4 application.

5 B. An application shall contain the full name,
6 social security number or individual tax identification number,
7 date of birth, sex and New Mexico residence address of the
8 applicant and briefly describe the applicant and indicate
9 whether the applicant has previously been licensed as a driver
10 and, if so, when and by what state or country and whether any
11 such license has ever been suspended or revoked or whether an
12 application has ever been refused and, if so, the date of and
13 reason for the suspension, revocation or refusal. For foreign
14 nationals applying for driver's licenses the secretary shall
15 accept the individual taxpayer identification number as a
16 substitute for a social security number regardless of
17 immigration status. The secretary is authorized to establish
18 by regulation other documents that may be accepted as a
19 substitute for a social security number or an individual tax
20 identification number.

21 C. In addition to a social security number or
22 individual tax identification number, or other documents that
23 the secretary has authorized as acceptable substitutes for a
24 social security number or individual tax identification number,
25 the applicant shall also present:

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1 (1) one proof of identity, the requirement of
2 which shall be satisfied by:

3 (a) a birth certificate, either an
4 original or a certified copy of a foreign birth certificate
5 with a notarized English translation; or

6 (b) a form of photo identification, the
7 requirement of which shall be satisfied by: 1) a driver's
8 license from another state; or 2) a passport or identification
9 card from the applicant's country of citizenship, the issuance
10 of which can be verified by contact with the issuing authority;

11 (2) two independent forms of proof of the
12 applicant's New Mexico residency, the requirement of which
13 shall be satisfied by any two of the following:

14 (a) a utility bill;

15 (b) a bank statement;

16 (c) a property tax bill;

17 (d) a rental agreement; or

18 (e) another document authorized by the
19 secretary that shows the applicant's address; and

20 (3) a declaration under penalty of perjury
21 made by the applicant that all documents provided by the
22 applicant with the application are genuine and accurate.

23 D. If the documents provided by the applicant as
24 required in Subsection C of this section are not genuine and
25 accurate, or the applicant receives a driver's license and then

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1 transfers it to another person, the person is guilty of a
2 fourth degree felony for violation of a provision of the Motor
3 Vehicle Code pursuant to Section 66-8-1.1 NMSA 1978.

4 [G.] E. An applicant shall indicate whether [he]
5 the applicant has been convicted of driving while under the
6 influence of intoxicating liquor or drugs in this state or in
7 any other jurisdiction. Failure to disclose any such
8 conviction prevents the issuance of a driver's license,
9 provisional license, temporary license or instruction permit
10 for a period of one year if the failure to disclose is
11 discovered by the department prior to issuance. If the
12 nondisclosure is discovered by the department subsequent to
13 issuance, the department shall revoke the driver's license,
14 provisional license, temporary license or instruction permit
15 for a period of one year. Intentional and willful failure to
16 disclose, as required in this subsection, is a misdemeanor.

17 [D.] F. An applicant [~~less than~~] who is under
18 eighteen years of age and who is making an application to be
19 granted [his] a first New Mexico driver's license shall submit
20 evidence that [he] the applicant has:

21 (1) successfully completed a driver education
22 course that included a DWI prevention and education program
23 approved by the bureau or offered by a public school. The
24 bureau may accept verification of driver education course
25 completion from another state if the driver education course

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1 substantially meets the requirements of the bureau for a course
2 offered in New Mexico;

3 (2) had a provisional license for the twelve-
4 month period immediately preceding the date of the application
5 for the driver's license;

6 (3) complied with restrictions on that
7 license;

8 (4) not been convicted of a traffic violation
9 committed during the ninety days prior to applying for a
10 driver's license;

11 (5) not been cited for a traffic violation
12 that is pending at the time of [~~his~~] the application; and

13 (6) not been adjudicated for an offense
14 involving the use of alcohol or drugs during the twelve-month
15 period immediately preceding the date of the application for
16 the driver's license and that there are no pending
17 adjudications alleging an offense involving the use of alcohol
18 or drugs at the time of [~~his~~] the application.

19 [~~E.~~] G. An applicant who is eighteen years of age
20 [~~and~~] or over, but [~~less than~~] under twenty-five years of age,
21 and who is making an application to be granted [~~his~~] a first
22 New Mexico driver's license shall submit evidence with [~~his~~]
23 the application that [~~he~~] the applicant has successfully
24 completed a bureau-approved DWI prevention and education
25 program.

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